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Internationaler Kulturgüterschutz — Wiener Symposion 18./19. Oktober 1990, Gerte Reichelt (ed.). Gr. -8. VI. pp 168. Vienna: Manz Verlags- und Universitätsbuchhandlung 1992. ISBN 3-214-06675-7. Hardback öS 570. English Summaries

The Vienna Symposium on the international protection of cultural property¹ was set up with the express intention to bring together experts from the fields of art trade and cultural politics as well as legal academics in order to delimitate some sort of common denominator for future legal and political action in the field of the protection of cultural property. It took almost one and a half years for the proceedings of the Vienna Symposium² to be written up into a handy, easy to read book.³ While the appealing layout and cover design of the book may be helpful in attracting the readers attention, disappointment seems unavoidable: primarily because of the variety of standards of the contributions.

Among the more sophisticated contributions in the volume are Erik Jayme's opening speech and Kurt Siehr's comparative study on civil law aspects

of the acquisition of cultural property. While Jayme concentrates on the question of different possible elements for defining the nationality of a work of art (e.g. its country of origin) he also offers instructive historic examples. He dedicates a large part of his comments to the life of the Italian sculptor Antonio Canova (1757–1822), who – as the Pope's official delegate in Paris and in his private capacity – played an important role in Italy's attempt to recover works of art collected by Napoleon. In relation to long standing conflicts, Jayme argues that claims for national cultural property should be restricted to truly important works which form part of the identity of a nation. Kurt Siehr provides a concise introduction to the U.S. law governing the acquisition of property in general and of cultural property as reflected in recent court decisions. He concludes by appealing to buyers to take more care in ascertaining the object's origin. The consultation of public or private registers of stolen works of art should become a '*conditio sine qua non*' in the international art trade.

In retracing the developments of international public law in the protection of cultural property in time of war and in time of peace Wilfried Fiedler argues

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that the human rights based approach to the protection of cultural property (right to culture, right to cultural identity) deserves more attention.

Recent international and national efforts to protect cultural property are reflected in a number of different contributions which deal with EEC projects harmonizing the transfer of cultural property (Hans Claudius Taschner, member of the Commission of the EEC), with UNESCO's standard setting, consciousness raising and co-operative activities (Lyndel V. Prott, Chief, International Standards Section at UNESCO headquarters in Paris) and with Austria's experiences with its revised cultural property export law (Norbert Helfgott, ministry official of the Federal Ministry for Sciences and Research).

Questions concerning cultural policies are represented by about half a dozen shorter statements which provide but a faint idea of the underlying conflicts. Nevertheless Dieter Bogner's remarks on the relation between tourism and the preservation of historic monuments deserve a mention, not the least because he expands the traditional patterns of preservation efforts into a more sociological and political dimension.

While a number of articles in the volume are worth serious consideration; many of the other contributions are not. The shorter articles by auction sales representatives and museum administrators provide an interesting insight into their respective businesses. Another problem with the book stems from the

fact that the greater the need for an interdisciplinary approach, the greater is the danger of 'scientific' vagueness. For example, Reichelt's four hypothetical postulates — (i) open and dynamic definition of the term 'cultural property', (ii) cultural property as property *sui generis* within the legal order, (iii) the artists main place of activity as starting point and (iv) the establishment of a most significant contacts test — find only weak resonance in the different articles. A reason for this is that many of these contributions reflect more upon the individual author's political or economic point of view, rather than the impact that these ideas may have on the overall consideration of legal and moral restrictions of the art trade. While there are some important contributions in this volume, all in all the book suffers because of the inconsistency of its articles, which vary quite dramatically. One could ask whether it would have been more instructive to include the public debates which followed the round-table talks rather than include all the official welcome addresses.

Notes

- 1 The Austrian Academy of Sciences, the City of Vienna Department for Cultural Affairs and the Ludwig Boltzmann Institute for International Cultural and Economic Relations, all under the direction of Professor Gerte Reichelt.
- 2 For a summary of the symposium see Christoph Tauber, (1992) 1 IJCP 227–228.
- 3 Summaries in English are provided.